



ENVIRONMENTAL QUALITY COUNCIL

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Montana Senate President Scott Sales
Montana Speaker of the House Austin Knudsen
PO Box 200500
Helena, MT 59620-0500

Dear President Sales and Speaker Knudsen:

We respectfully request that you ask for an interpretation from Montana Attorney General Tim Fox pursuant to section 2-15-501(7), MCA, analyzing a legislative proposal under review in the state of Washington. Senate Bill 6203 "An Act Relating to Reducing Carbon Pollution by Moving to a Clean Energy Economy," and similar carbon tax legislation currently under review by the 2018 Washington Legislature, proposes taxing carbon emissions generated in Montana to produce electricity that Washington imports. We are seeking your response with respect to the following question:

To what extent can another state regulate and tax carbon emissions generated in Montana, and does Senate Bill 6203 conflict with the Commerce Clause of the U.S. Constitution by favoring Washington's own energy generation while discriminating against or imposing an excessive burden on out-of-state generation?

Prior to this request, the EQC heard testimony at its January 2018 meeting that the Washington Legislature is considering carbon tax proposals. A carbon tax in Washington will have far-reaching and dramatic implications in Montana, where the Colstrip Generating Station is located. It also promises to greatly change the flow of commerce in the northwest. Montana has provided reliable energy to Washington for the last 40 years.

Thank you for your consideration of this matter.

Sincerely,

Sen. Chas Vincent, Presiding Officer